



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|------------|--|
| SERIAL NO. | 09/868 967 |
| APPLICANT | Gerd Wallukat, et al., |
| FILED | 22 June 2001 |
| EXAMINER | TO BE ASSIGNED |
| ART UNIT | 1646 |
| FOR | Peptides and the AT ₁ Receptor and Their Use for Preeclampsia and Malign Hypertension |

RECEIVED

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FEB 12 2004

TECH CENTER 1600/2900

5 February 2004

PETITION TO WITHDRAW A HOLDING OF ABANDONMENT

Sir:

This communication is responsive to the Notice of Abandonment under Rule 1.821[g], mailed on 5 December 2004.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

REMARKS

It is respectfully requested that the holding of abandonment be withdrawn in view of the fact that such a finding is improper in view of current Patent Office guidelines.

The basis of the instant Notice of Abandonment appears to be unreadability of a submitted CRF. In view of the fact that the submission was a *bona fide* attempt to comply, the proper response of office personnel should have been to send a Notice to resubmit the CRF, not a Notice of Abandonment. See 37 CFR α 1.135(c).

The MPEP specifically provides for this as evidenced by the exemplified paragraph:

24.03 Compact Disc/CRF Submission Is Not Fully Responsive, Bona Fide Attempt

The reply filed [1] is not fully responsive to the Office communication mailed [2] for the reason(s) set forth below or on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report.

Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Attached hereto, is copy of the return receipt showing that the response was filed on 19 December 2002, three days before the due date of 22 December 2002. Thus, the submission was timely, as well as *bona fide* and was sufficient to avoid a holding of abandonment.


Also attached is a Response accompanying a resubmission of the CRF as indicated in the original Notification of Defective Response mailed 22 November 2002, together with a copy of the CRF Problem Report that accompanied the Notice of Abandonment.

The undersigned request expedited action on this matter.

Should further issues need to be resolved, office personnel should contact the undersigned.

Respectfully Submitted,

Norris, McLaughlin & Marcus
220 East 42 nd Street
New York, NY 10017
Telephone (212) 808-0700
Facsimile (212) 808-0844


Theodore Gottlieb, PhD
Reg. No. 42, 597

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail, label no. EV 383033682 US in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on 5-Feb-2004 .
(Date)

Agata Glinska
Typed or printed name of transmitter

Signature 

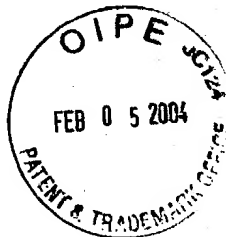


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 09/868,967 | | Gerd Wallukat | 101195-52 |

Bruce S Londa
 Norris McLaughlin & Marcus
 30th Floor
 220 East 42nd Street
 New York, NY 10017



CONFIRMATION NO. 9960
 ABANDONMENT/TERMINATION
 LETTER

OC000000011430703

OC000000011430703

Date Mailed: 12/05/2003

NOTICE OF ABANDONMENT

UNDER 37 CFR 1.821(g)

Applicant's reply received on 12/24/2002 is acknowledged.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

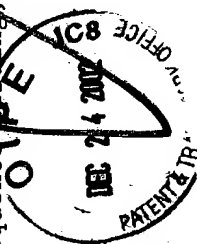


CASE # 101195-52 Serial No. 09/868,967

DATE MAILED: December 19, 2002 DATE DUE:

The stamp of the Patent Office hereon may be taken as
acknowledgement of receipt, on the date stamped, of the
following:

1. Transmittal Form
2. Response to Notice to Comply, including
Diskette containing Sequence Listing, paper
copy of Sequence Listing, a copy of the Notice
to Comply



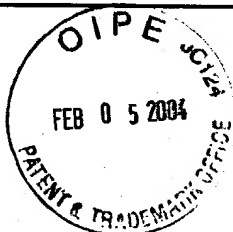
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TECH CENTER 1600/2900



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| 09/868,967 | | Gerd Wallukat | 101195-52 |



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 Norris McLaughlin & Marcus
 30th Floor
 220 East 42nd Street
 New York, NY 10017

CONFIRMATION NO. 9960
 ABANDONMENT/TERMINATION
 LETTER
 OC000000011430703
 OC000000011430703

Date Mailed: 12/05/2003

NOTICE OF ABANDONMENT

RECEIVED

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FEB 12 2004

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TECH CENTER 1600/2200

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Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

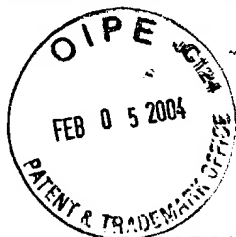
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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Attorney Docket No. 101195-52

APPLICANT: Wallukat et al.

TITLE: Peptides and the AT₁ Receptor and their use for Preeclampsia and Malign Hypertension

EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label number EV 383033682 US
Date of Deposit February 5, 2004

I hereby certify that the following items:

1. Response to Notice to Comply with Requirements...
2. Paper copy of sequence listing
3. Diskette containing a sequence listing
4. Copy of CRF problem report
5. Petition to withdraw a holding of abandonment
6. Copy of a return receipt showing that the response was filed on 19 Dec. 2002
7. Copy of a Notice of Abandonment
8. Return Receipt Postcard
9. Certificate of Mailing

are being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

NORRIS, McLAUGHLIN & MARCUS, P.A.

By Agata Glinska
Agata Glinska